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CURRENT TOPICS

Two Lawyers

THE death, before their allotted span, of two outstanding lawyers saddened last week's news. Mr. FREDERICK A. B. GRANT, Q.C., had a brilliant career from the time when he took his scholarship to Oriel, where he obtained a double first in Honours Moderations and Greek, to the date when he so recently abandoned one of the most lucrative of practices at the Bar for a high position in the public service. He was, moreover, a fine soldier; he commanded a siege battery in the 1914–1918 war and was awarded the M.C. He also lost a leg but contrived nevertheless to be an athlete of distinction. The late Judge J. S. BASS had only recently been elevated to the Central Criminal Court Bench. He was called to the Bar in 1929 and practised mainly in the criminal courts. He served throughout the 1939–1945 war and, when he returned, was made Junior Treasury Counsel. The law has suffered a sad loss through his early death.

Reopening of Prosecution's Case: Justices' Discretion

A QUESTION which often arises in the magistrates' court is how far the justices can allow a case to be reopened if certain evidence which is required in proof has not been given. There appears until recently to have been little guidance on the point. In *Duffin* v. *Markham and Another* (1918), 16 L.G.R. 807, where formal proof of the Bread Order, 1917, had not been submitted, it was held by Avory, J., that the justices had a judicial duty to allow an adjournment, but in *Middleton* v. *Rowlett* [1954] 1 W.L.R. 831; *ante*, p. 373, the Divisional Court held that the justices had a discretion to refuse to allow new evidence to be given where the case for the prosecution had been closed without evidence being given to identify the defendant as the driver. The omission in this case was one of substance. It is clear from the decision of the court that they would not have interfered if the justices had exercised their discretion the other way. Thus it appears that justices can safely exercise their discretion in such cases in favour of the prosecution. But if they exercise discretion in favour of the defendant, there may be some doubt as to the meaning of "omissions of substance." A simple division would appear to be between procedural matters (e.g., authority to prosecute) and material (e.g., identity of the accused), but in view of the recent decision in *Woollett* v. *Minister of Agriculture and Fisheries* [1954] 1 W.L.R. 1149; *ante*, p. 576, it would be a bold man who would say that all matters incidental to the case, procedural or otherwise, are not of equal importance to the decision.

The Magistrates' Association

THE astonishing volume of work accomplished by the Magistrates' Association during the year 1953–54, chronicled in a report of eighty pages, includes many items of interest to practitioners in the magistrates' courts. In a reference to the recent High Court judgments and statements by the LORD CHIEF JUSTICE and the PRESIDENT OF THE PROBATE, DIVORCE AND ADMIRALTY DIVISION on clerks retiring with

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justices, the report contrasts the view that justices are now increasingly reluctant to retire and that the administration of justice is suffering through their hesitation to consult their clerks, with the view that the pronouncements are leading to greater independence on the part of magistrates, who will thereby be encouraged to acquire more detailed knowledge of their work. Further information is to be sought and the position is to be reviewed with a view to action if thought desirable. A recommendation has been sent to the Home Office that certain maximum fines are too low owing to the fall in the value of money. The Council of the Association considers that as a result of the recent Home Office circular dealing with the summary trial of minor offences and the simplified form of notice sent with the circular, the question of proving previous convictions in the absence of the defendant has become a matter of urgency, and the draft clause to provide for this has been re-submitted to the Home Office. A suggestion by the Legal Committee of the Council to the MINISTER OF TRANSPORT has resulted in the Minister deciding to arrange with local taxation offices to issue with registration cards warning notices drawing the attention of new owners of motor vehicles to the fact that they are not covered by the sellers' insurance certificates, and that they must take out new insurance policies. The Association represents some 9,000 individual magistrates, and 100 benches which have joined as corporate members.

Lawyers in Industry

THE fortieth annual general meeting of the Society of Public Teachers of Law was held under the Presidency of Professor T. F. T. PLUCKNETT from 16th to 18th September at Oxford University. "The Rôle of the Employed Lawyer in Industry" was the title of the address given on 17th September by Mr. R. A. LYNEX, Secretary of Imperial Chemical Industries, Ltd. In a brief sketch of the organisation of I.C.I., he said that "it is to the legal profession in the main that we look for recruits on the secretarial side, because the work seems to call more particularly for the lawyer with an aptitude for dealing with a number of current jobs of widely differing kinds." In work specifically assigned to the secretary by the form of his company's organisation, he said: "Like Shakespeare's 'Autolycus,' he must be 'a snapper-up of unconsidered trifles'." The "trifles" often included matters as diverse as charitable appeals and town and country planning affairs. Of qualities to be looked for in company secretaries, he emphasised "the ability to serve whole-heartedly, punctually and impartially, more than one master—indeed, fifteen or twenty, if there are so many directors—and enjoy doing so." Other qualities should include "patience in working carefully, often in haste or under pressure," and "restraint in speech and writing." Further characteristics of a secretary, in dealing with others, were a judicious mixture of virility and gentleness, together with (in the words of a one-time President of The Law Society) "that rare and abstract quality grotesquely called common sense." Of candidates for the secretarial work of a public company, Mr. Lynex said the "rough and tumble of a solicitor's office" should provide a first-rate training ground and highly valuable experience which a subsequent appointment with an industrial concern could turn to good account. By this he did not want to suggest that a young man with the idea of an industrial career in mind should hesitate before reading for a law degree or for the Bar. If he had good personal qualities he might be a highly acceptable candidate for a commercial career in such a company as I.C.I. Mr. Lynex emphasised that it was no simple matter to get a steady supply of suitable young legal recruits for industry—men of ability, intelligence and high personal qualities. "In the end," he said, "it all comes down to character; and there are so many other qualities than mere brilliance and cleverness—in themselves not particularly rare gifts—which must always be present in order to supplement and balance those valuable attributes." Mr. Lynex said that it was important to learn early how to take hold of a matter firmly and promptly, to decide and to do something about it, without being too fearful of making a few good healthy mistakes, by which to profit so as to avoid making the same mistakes twice. It was because of the particular ability of lawyers to apply themselves in this way that he believed industry could look with confidence to the legal profession.

Legislation Now in Force

THE 1st October marked the coming into operation of an unusually large number of provisions affecting the solicitor's day-to-day work. Among them the most important were: the Landlord and Tenant Act, 1954; the R.S.C. (Summons for Directions, etc.), 1954; the Non-Contentious Probate Rules, 1954, and the Road Transport Lighting Act, 1953, ss. 1, 2 and 5, and the associated regulations, the Road Vehicles Lighting Regulations, 1954.

Hard Words

ONE of the more recent complaints about the non-intelligibility of modern legislation has started a correspondence in *The Times* under the heading "Hard Words." The complaint was in a letter from Mr. S. P. SMITH in *The Times* of 21st September, in which he quoted from the recent regulations about rear lights and reflectors on vehicles: "In this regulation the expression 'illuminated area' means, in relation to a lamp, the area of the orthogonal projection on a vertical plane at right angles to the longitudinal axis of the vehicle of that part of the lamp through which light is emitted." Sir STEPHEN O. HENN-COLLINS (until a few years ago Mr. Justice Henn-Collins) shared Mr. Smith's bewilderment in a letter in *The Times* of 23rd September, but said that he would take a chance on his view of the law's requirements although that would mean that Mr. Smith's beams would be at right angles to Sir Stephen's. On the next day Mr. D. T. BENNETT quoted Sir ERNEST GOWERS' "Plain Words" to show that the object of the regulation is to lay down the law "beyond a peradventure"—"the most exact way is the mathematical way." The logical inference of this seems to be that our laws are best expressed in recondite mathematical formulae. The verbiage in the above quotation may represent accuracy, but it has failed in intelligibility. Unless people can understand the laws, there seems no point in making them.

The National Health Service Tribunal

SIR REGINALD T. SHARPE, Q.C., chairman of the National Health Service Tribunal for England and Wales, in a report on the tribunal's work during the period 5th July, 1951, to 4th July, 1954, published on 14th September, 1954, stated that 29 cases were instituted before the tribunal in the period. In addition, as mentioned in the chairman's previous report, 3 cases which had been instituted during the first three-year period were awaiting disposal on 5th July, 1951. Of these 32 cases, 28 were disposed of by 4th July, 1954. There were 5 appeals to the Minister of Health, but none was successful. Only 3 cases took two days to hear; the remainder were completed in one day. The report concludes with a tribute to the services rendered to the tribunal by its clerk, Mr. R. B. COOKE, solicitor.

INDUSTRIAL INJURY BENEFIT: PROVING THAT INCAPACITY IS THE RESULT OF AN ACCIDENT

FROM the point of view of a Ministry which sets up an appeal tribunal, there is a good deal to be said for preventing the public from being represented by legally qualified practitioners. On the other hand, the public suffers, and will go on suffering until the policy is reversed. Meantime, an incidental result is that the lawyers themselves gradually become disabled from helping aggrieved claimants, because subjects like National Insurance get so mysterious and specialised that very few can tackle them on level terms with the civil servants who devote their working lives to preparation and study of the regulations. This article, therefore, is an attempt to elucidate one aspect of the industrial injury system in the hope that (without going into minute detail) it may, nevertheless, aid those practitioners who (by special leave of the chairman) are allowed to represent claimants on their appeals to the local appeal tribunals under the National Insurance (Industrial Injuries) Acts. The aspect in question is whether incapacity following an industrial accident is the result of the accident.

What a claimant should know

Some preliminary observations are needed, but these apply generally to all insurance appeals. The Industrial Injuries Acts replaced Workmen's Compensation, and it is fairly well known that the industrial benefits are larger than sickness benefit and unemployment benefit. Therefore, a claimant who sustains an industrial injury (an "accident out of and in the course of his employment"), or who contracts an industrial disease (now called a "prescribed disease"), usually tries to get paid the benefit appropriate to an industrial injury or an industrial disease. When it is remembered that (though stamps are not necessary for "industrial benefits") the claimant has paid insurance to ensure that the correct type of benefit is paid, there should never be any complaint that such a claimant is "on the make," nor should it be supposed that there is an element of charity or benevolence because he is awarded a larger payment than sickness or unemployment benefit. Unfortunately, these considerations are not always clearly understood by the two lay members who sit on local appeal tribunals with the legally qualified chairman. Indeed, it would be asking too much to expect the lay members to be familiar with all the complex differences between the different types of benefit.

There is, however, no justification for such ignorance on the part of a legally-qualified practitioner who represents a claimant before a tribunal. The best way to get a clear idea of the system is to ask the Ministry of Pensions and National Insurance for copies of the official pamphlets dealing respectively with sickness benefit (N.I.16), unemployment benefit (N.I.12), industrial injury benefit (N.I.5) and industrial disablement benefit (N.I.6). Those pamphlets, issued free, cannot, and do not, go into the intricacies and technicalities, but they give a simplified outline which is quite adequate. It may be added that there are similar pamphlets dealing in a similar way with practically every other aspect of the National Insurance benefits. The Ministry would probably supply a list, if asked to do so.

A claimant also ought to know that the law of National Insurance is extremely technical and that local appeal tribunals are bound by an elaborate series of decisions given by the National Insurance Commissioner, on appeal from the local tribunals. Those decisions are (for the most part) printed and on sale to the public through H.M. Stationery Office (though some are "unreported"). It would be almost impossible for anyone new to the tribunal to get a comprehensive knowledge of the decisions (which run into many hundreds) and the only practical way is to look at the official "Index to Commissioner's Decisions," which ought to be in all law libraries. The decisions which deal with industrial injuries, as distinct from other National Insurance subjects, are reported under the prefix "I".

Finally, it is never safe for a practitioner to assume that the insurance officer (who represents the Ministry), or even the tribunal itself, will know the decisions. The Ministry prepares case papers for the appeal, and of these a copy is sent to the claimant. Paragraph 4 (p. 1) contains a space for citation of "Relevant Reported Decisions of the Commissioner," but frequently this is left blank. Even if it is filled up, there may well be other decisions which are important, but which have been overlooked.

The nature of industrial injury benefit

As shown in Ministry leaflet N.I.5, this is a weekly payment paid for a maximum of 156 days (not counting Sundays) after the industrial accident. Technically, this is termed the "injury benefit period." In no circumstances can injury benefit be paid for more than the 156 days and, actually, it is only paid during the period for which the claimant can prove that he is "incapable of work" as "the result" of the accident. At the end of the 156 days, or earlier if the incapacity ceases, or if it cannot be proved to be "the result" of the accident, the claimant can claim "disablement benefit," a subject outside the scope of this article.

Sickness benefit cannot be paid while a claimant is getting industrial injury benefit, but it *can* be paid while he is getting disablement benefit. On the other hand, it is possible that the victim of an industrial accident may not be able to prove that *the accident* has caused his incapacity, and in that event he would be paid sickness benefit, not industrial injury benefit. This means benefit at a lower rate.

What is meant by "the result of the relevant injury"

In a case falling within the title of this article the practitioner will have to conduct an appeal against an insurance officer's decision which runs somewhat as follows: "From and including 1.8.54, injury benefit is not payable, on the ground that the incapacity is not the result of the relevant injury."

Here it will be noticed that the occurrence of the "industrial accident" is admitted by the Ministry and this, in itself, gives rise to a claim for disablement benefit, which claim might or might not succeed, but is outside the scope of this article.

It will also be noticed that the Ministry admits the claimant's incapacity, so presumably he is being paid sickness benefit; if not, the reason probably is that he has not got enough stamps on his card. (Here it must again be stressed that it is not widely known that the industrial accident benefits, as distinct from other kinds of benefit, are paid whether or not the claimant has the correct number of stamps.)

The question for the practitioner is whether his client can prove that the incapacity is "the result" of "the relevant injury." The words "the result" are taken from s. 11 (1) of the National Insurance (Industrial Injuries) Act, 1946, but it is important to realise that they mean "a result." This has repeatedly been held by the Commissioner, the

clearest decision known to the writer being R (I) 29/51 (Index Group 40), which is a case on the same words where they occur in s. 14. The decision C (I) 50/50 (K.L.) (Index Group 36B) shows that "the fact that" a claimant "was concurrently incapable of work for another reason does not exclude him from the receipt of injury benefit." (There are numerous other reported decisions dealing with particular cases.)

The test whether the incapacity is a result of the injury

The onus of proof is on the claimant, but all he need prove is that "the accident caused or contributed to or accelerated" incapacity. This statement is based on Commissioner's decision C (I) 147/50 (K.L.) (Index Group 36B), where the Workmen's Compensation decision *Comery* v. *New Hucknall Colliery Co.* (1919), 12 B.W.C.C. 1, was referred to. The Commissioner's observations in C (I) 147/50 (K.L.) are very important for consideration of all cases of this type. It always has to be borne in mind, however, that (unlike Workmen's Compensation) there is now no such thing as payment of injury benefit for *partial* incapacity. If the incapacity is only partial, the claimant may have a claim for disablement benefit. He cannot get injury benefit and it therefore follows that it is of no avail to prove partial incapacity. It should also be remembered that the claimant's appeal, if successful, cannot result in payment of injury benefit for any longer than the statutory 156 days. Success may, however, lead to the claimant having fairly good prospects of getting an award of disablement benefit, when the injury benefit period comes to an end.

A Conveyancer's Diary

THE STATUTE OF FRAUDS

AFTER the operation performed upon it by the property legislation of 1925, s. 4 of the Statute of Frauds read as follows: No action shall be brought (1) whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate, or (2) whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person, or (3) to charge any person upon any agreement made upon consideration of marriage, or (4) upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought or some memorandum or note thereof shall be in writing and signed by the party to be charged therewith or some other person thereunto by him lawfully authorised. (The punctuation and the numerals in brackets, as well as the modernisation of the spelling, are mine.) Now the Law Reform (Enforcement of Contracts) Act, 1954, which came into operation on 7th June, has enacted (by s. 1) that in s. 4 the words which I have enumerated under (1), (3) and (4) are repealed "in relation to any promise or agreement, whether made before or after the commencement of this Act." This reform and that enacted by s. 2 of the new Act, to which I shall refer later, thus leave only two types of contract unenforceable at law against a defendant who pleads the statute unless there is a memorandum thereof in writing signed by the person to be charged or his agent, viz., contracts for the disposal or creation of interests in land, under s. 40 of the Law of Property Act, 1925, and contracts to answer for the debt, default or miscarriage of another person, under the truncated remains of s. 4 of the Statute of Frauds.

Section 2 of the new Act provides that s. 4 of the Sale of Goods Act, 1893, which subjected contracts for the sale of goods of the value of £10 and upwards to the same requirements as those imposed by s. 4 of the Statute of Frauds on the contracts with which that section dealt, is repealed "in relation to any contract, whether made before or after the commencement of this Act." These last words were recently considered in *Craxfords (Ramsgate), Ltd.* v. *Williams and Steer Manufacturing Co., Ltd.* [1954] 1 W.L.R. 1130, and p. 576, *ante*, in relation to an action commenced before the coming into operation of the Law Reform (Enforcement of Contracts) Act, 1954. The words in question in s. 2 are for all practical purposes indistinguishable from the words "in relation to any promise or agreement, whether made before or after the commencement of this Act" in s. 1, so that this decision may be accepted as applying with equal force to any of the contracts affected by s. 1 of this Act. It is with that consideration in mind that I propose to examine this decision, which would otherwise perhaps seem somewhat alien to this Diary.

In 1953 the defendants ordered from the plaintiffs goods to the value of over £10, and later cancelled this order. The plaintiffs issued a writ in January, 1954, claiming damages for breach of contract, and by their defence delivered in February the defendants pleaded (*inter alia*) s. 4 of the Sale of Goods Act, 1893. The pleadings were thus closed before the date on which the new Act came into operation, but the action did not come on for hearing until after that date. At the hearing the plaintiffs argued that, as s. 4 had by then been repealed, the defendants could not rely on it. To this the defendants replied that before the date of commencement of the new Act they had acquired what they called a "vested defence" to the action, and that this defence was in the nature of a vested right which, in accordance with established authority, is not destroyed for the purposes of litigation concerning it commenced before the enactment by any enactment affecting the right, unless the enactment specifically so provides. This argument involved an inquiry into the nature of the disability to which a party to a contract which does not satisfy the requirements of provisions of this kind is subject. If (as the plaintiffs submitted) s. 4 was a procedural section only, the court would only look at the law as it stood at the time when the case came before it.

On the premise on which this submission was founded Pilcher, J., who tried the case, had no doubts. In his judgment s. 4 did not affect the legal rights of the parties, or the passing of property under a contract subject to its terms; if a party claimed to rely upon the section, he had to plead it, and plead it with some particularity; it was not a substantive provision of the law in the sense that the court itself would take judicial notice of the fact that a provision of the section had not been complied with, unless the point was raised by one of the parties.

A number of well known cases on s. 4 of the Statute of Frauds and the analogous provisions of the Sale of Goods Act were cited in argument, but perhaps the best known of all the decisions on this point seems not to have been referred to. This was *Leroux* v. *Brown* (1852), 12 C.B. 801. The evidence showed that an oral agreement had been entered into in France between the parties whereby the defendant, who resided in England, contracted to employ the plaintiff at a

salary in France, the employment to commence on a future date and to continue for one year certain. This was, therefore, a contract not to be performed within a year from the making thereof within s. 4 of the Statute of Frauds. The plaintiff further showed by his evidence that such a contract was capable of being enforced by the law of France, although not in writing. The action was for breach of this contract, and the defendant relied upon the statute. Most elaborate arguments were presented to the court on behalf of both the parties, but the question for decision can be reduced to a single short proposition: if the plea of the section went to the validity of the contract, this was a matter which had to be decided in accordance with the law of France as the place where the contract had been made, and as that law did not recognise the necessity of writing for a contract of the kind in question, the contract was good and the plaintiff could enforce it in an English court; if, on the other hand, this plea merely concerned the remedy, this was a procedural matter which had to be decided in accordance with the English law as the *lex fori*, and on this footing the contract, though good, was unenforceable in an action brought in the English court. The court held that the section was procedural only, and did not invalidate a contract which fell within it. Jarvis, C.J., pointed out that the section did not say that failure to comply with the requirements made a contract void, and contrasted the language of other sections of the statute (which are now largely reproduced in the Law of Property Act, 1925), whereby it was provided that certain conveyancing transactions should not be effected except by deed, a contrast which indicated that the statute contemplated that a contract might be good, though not capable of being enforced if not evidenced by writing. That view was supported, in his lordship's judgment, by the rule that a writing made subsequent to the contract, and addressed to a third party, was sufficient evidence of the contract, a rule only consistent with the view that a contract can be essentially valid although unenforceable for failure to comply with the statute. Maule, J., was of the same opinion; the section prohibited the English courts from enforcing a contract made in such circumstances as those in which the contract in the case before the court had been made, just as a contract was held to be incapable of being enforced where it was made more than six years before action brought and the statute of limitations was pleaded; the section was part of the law of procedure and not of the formality of the contract. This view of the effect of s. 4 of the Statute of Frauds (which also covered the provisions, framed in similar language, of s. 4 of the Sale of Goods Act, 1893) has never since been questioned.

Accepting, then, the plaintiffs' premise that the section was procedural, Pilcher, J., was bound to reject (as he did reject) the defendants' submission that they had acquired a vested right to rely on the section as a defence of which the new Act could not deprive them; a defence of the section raised questions of the evidence which would be available at the trial of the action to support the contract sued upon, and it was in the light of the evidence then available that the court would determine whether or not the contract could be enforced. The new Act applied to contracts made before it was passed, and a defence based on s. 4 of the Sale of Goods Act could no longer be relied upon.

This decision will be of evanescent interest, since the number of cases in which the statute was pleaded before the new Act came into operation must in the nature of things be gradually reduced to nil; but if its expectation of effective life is small, its scope, as I have suggested, is wide enough to embrace the types of contract which until the new Act required writing to support them under the Statute of Frauds, but no longer require writing, as well as contracts for the sale of goods. One more comment of a more general kind this subject also suggests. The repeal of s. 4 of the Sale of Goods Act, 1893, has of course deprived the considerable volume of authority on that section of its direct relevance, but indirectly these decisions will still retain their importance because of the light they may shed on the cases in which written evidence is still required to make a contract enforceable.

"A B C"

Landlord and Tenant Notebook

RECEIPT OF RENT AND OWNERSHIP

PEOPLE who let property are well aware, generally speaking, of the fact that by so doing they may incur obligations to authorities as well as to their tenants; and those who act for landlords are, or should be, well aware of the fact that they themselves may be held responsible for the discharge of obligations under Public Health, Housing, Factory Acts and the like. This position is achieved by making the "owner" liable and then defining the term "owner" so as to include agents, etc. Examining the reason for this, as was his wont, in *Watts* v. *Battersea Corporation* [1929] 2 K.B. 63 (C.A.), Scrutton, L.J., thought that Parliament had contemplated that it might be difficult to find the owner, who might be abroad; that it must have been assumed that the agent would have a right of indemnity against him; but "no one seems to have thought that possibly the owner might be unable to repay the agent." In that case, the definition then used by the Public Health Acts, and adopted by the Housing, etc., Act, 1919, "the person for the time being receiving the rack-rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person," was held by Scrutton and Sankey, L.JJ. (Greer, L.J., dissented), to apply to a solicitor acting for the widow of a landlord in a probate action, who had told a rent collector employed by the other side to make payments out of rent and remit the balance to him; and the local authority was thus able to recover the expense of executing certain works from the solicitor. Sankey, L.J., did concede that he would not apply the definition to a boy of fourteen sent to collect weekly rents by his father; and the law has since been amended: the Housing Act, 1936, makes the "person having control of the house" the person responsible for executing works, and at the same time entitles him to limit liability to moneys had in his hands on behalf of a principal or *cestui que trust* (s. 10 (3)); the Public Health Act, 1936, while not altering the definition of owner, contains similar limitation provisions in favour of anyone receiving the rent "merely" as agent or trustee for some other person (s. 294). Someone *had* by then thought of the point to which Scrutton, L.J., had adverted a few years earlier.

But no corresponding savings appear in those local statutes, beginning with the Fires Prevention (Metropolis) Act, 1774, which Parliament from time to time enacts for the benefit of Londoners, and the recent case of *Solomons* v. *R. Gertzenstein, Ltd., and Others* [1954] 3 W.L.R. 317 (C.A.); *ante*, p. 539, revealed some interesting difficulties of interpretation. The

plaintiff was an employee of one of many small concerns occupying different parts of a building in Soho, and he sustained injuries when, a fire having broken out, he went to the top of the building in search of water, found his escape cut off by flames, left the building by a window and found his arm caught in a junction of a pipe down which he was trying to climb. He was badly injured and brought the action against three persons: (i) the owner of the material which had caught fire (this defendant was absolved from liability, and his position need not concern us further); (ii) the landlords; and (iii) a receiver appointed by a building society to whom the landlords had mortgaged their interest (a long lease). The claim against the second and third defendants was for damages for breach of statutory duty, namely of a duty to maintain, in a building of that character, a trapdoor and a fixed or hinged stepladder leading to the roof. The trapdoor had been provided, and there was a ladder; but it could not easily be found and, where it lay, it did not lead to the roof.

The duty to provide the above is created by the London Building Acts (Amendment) Act, 1905, s. 12, that is to say, the section makes "every existing building, etc.," its subject, and states that the providing shall be done "by the owner." In fact, the then owners had been ordered to provide the "means" in 1925. But a duty to maintain is to be found in an amending Act of 1939, and the question before the court became a difficult one because different definitions were to be found, as will presently appear. At first instance, it was held that both second and third defendants answered to the requirements, and the appeal was by the third defendant, the mortgagees' receiver, only.

Research had revealed the existence of two different definitions—or rather descriptions, for in one case the enactment carefully uses the word "includes"—of the term "owner." The London Building Act, 1930, s. 5, makes it include "every person in possession or receipt either of the whole or any part of the rents or profits of any land or tenement or in the occupation of any land or tenement otherwise than as a tenant from year to year or for any less term or as a tenant at will." Then the London Building Acts (Amendment) Act, 1939, s. 33 (1), says that in that Part of that Act "'owner' in relation to any premises means the person for the time being receiving the rack-rent of the premises whether on his own account or as agent or trustee for any other person, or who would so receive it if the premises were let at a rack-rent."

The plaintiff contended that the latter definition fitted the third defendant (the mortgagees' receiver) as well as the second defendants (the lessees) and at first instance his contention was accepted by Goddard, L.C.J.

One was, as Somervell, L.J., pointed out in his judgment reversing that of Lord Goddard, faced with a general definition and a special definition. But further examination of the position showed (i) that Pt. V of the 1939 Act (in which Part the "general" definition is the one applicable) deals with the provision, rather than the maintenance, of means of escape from fire; (ii) that maintenance in good condition and repair and in efficient working order is dealt with far later on in that Act: s. 133 imposes this duty on the "owner," and that (iii) later still, s. 141, after conferring on the "owner" a right of entry for the purposes of discharging obligations *imposed by Pt. V*, provides that *in that section* "owner" has the same meaning, in relation to the Pt. V requirements, as it has in that Part. This, it was held (and it was emphasised that the statute was partly penal) implied that for the purposes of s. 133, the maintenance section, the special definition in the 1930 Act applied: every person in possession or receipt either of the whole or any part of the rents or profits, etc. It does not appear to have been seriously argued that a mortgagees' receiver was such a person, there being no reference to agency; and as the failure of duty alleged against the third defendant was a failure to comply with the requirements of s. 133 of the 1939 Act, which is in Pt. XII and not in Pt. V, his appeal succeeded.

It is possible that if the late Scrutton, L.J., had been a member of the court, attention would have been drawn to an apparent anomaly: the cost of the provision of trapdoors, ladders and other means of escape would be in the nature of capital expenditure, that of the maintenance of those means in good condition and repair and in efficient working order would be outgoings. One might, therefore, expect the person responsible for the latter to include, if there is to be any comprehensive definition, those who receive rents as agents or trustees. Incidentally, Romer, L.J., doubted, *obiter*, whether the mortgagees' receiver was, by reason of his receiving the rents of certain sub-tenancies which the mortgagors had granted, a person for the time being receiving the rack-rent of the premises "as a whole." This question was not really gone into with any thoroughness, however, and it might have been found that, if he was not such a person, the premises were not let at a rack-rent, and he was the person who would receive the rack-rent if they were.

R. B.

HERE AND THERE

AWAY FROM IT

UNLESS your notion of a happy vacation is attending conferences of multi-national lawyers, or exploring foreign palaces of justice, or going on a law lecture tour to overseas universities, you probably want to hear as little about the law as possible for as long a period as possible. And provided you cut communications with office or chambers determinedly enough, and provided also you avoid such acts or omissions as would impair your relations with the local authorities or the police, there are plenty of places at home or abroad where you can abide as untangled by the law as if kind Providence had made you a butcher, a baker, a candlestick-maker or a greengrocer. Abroad, so long as you have kept clear of earnest groups of foreign lawyers exchanging problems and solutions, any little fragment of law against which you may happen to stumble by chance tends to have rather the charm of a strange natural curiosity than to bear any relation to the tormenting labours of your own daily routine. A very good place to get away from the law is French Switzerland, the Valais. Of course, people quarrel there, like everywhere else, but they have a way of cannily composing their differences before they reach the stage of litigation. Even in Sion, its pleasantly compact little chief town, there is no palace of justice; there aren't enough cases to warrant it. Still, there are some, and beside a door near the sleepy little cathedral square I found a plate announcing "Poursuites et Faillites"—actions and bankruptcies—nothing more, no name, only the plate and the doorway. A few streets off there is a delightful and evidently successful experiment in co-operation between law and medicine. On either side of the gate of a pleasant detached house are two brass plates both bearing the same surname, but the one belonging to a

lady and the other to a gentleman. The lady is a doctor specialising in the diseases of women and children; the gentleman is a *licencié en droit* and practices as a general insurance agent. By night, the insurance business is announced with all the colourful emphasis of neon lighting; the medical practice is not. But evidently there's room for both in the same house.

BLIND JUSTICE

In the pleasant seventeenth-century town hall you may meet Justice herself on an elaborately carved door with sword, scales and bandaged eyes, but that is about all she has in common with the earnest gilded lady who maintains such a perilous equilibrium on the dome of the Central Criminal Court. The lady at Sion is quite uninhibitedly peeping under her bandage and her scales hang very far from true. Incidentally, a daily paper which runs an "answers to correspondents" feature recently recalled, in connection with the topic of "blind justice," the case of Judge James H. Peck, who was appointed to the bench at St. Louis in 1822. During the fourteen years he served, he wore a white bandage over his eyes during court hearings so that he could administer justice without seeing any of the parties. All documents were read to him by the clerk. This, said the writer, was the only instance of blind justice of which he had ever heard. But only last year there was a case in the Berlin branch of the federal court of Western Germany when the State Prosecutor of Hanover appealed on the ground of the blindness of the judge. The court dismissed the appeal because the blindness could only be decisive in a matter which involved the reading of documents or proof by visual demonstration and that was not so in the case in question. In England, Sir John Fielding, who died in 1780, sat for many years as magistrate at Bow Street although he had been blind from birth. He was said to know 3,000 thieves by their voices, and he was very active and effective in fighting the criminal gangs of London.

TOO GOOD TO BE TRUE

An evening paper, which recently published a series of articles on great art scandals, recapitulated the extraordinary story of Charles Millet, the grandson of Jean François Millet, who during the nineteen-twenties seemed to have an inexhaustible store of superb examples of his grandfather's paintings for disposal to wealthy collectors. It was in 1930 that the sky darkened when a customer who had paid £2,000 for a picture called "The Gleaner in the Red Bonnet" discovered that the original had been destroyed in the United States. Investigations brought to light a remarkable triple partnership. The younger Millet had inherited a stock of his forbear's works and also the copper stencil of his initials with which he signed them. Paul Cazeau, an unrecognised artist turned house painter, had providentially developed a talent for producing Millets so efficiently that the stock of heirlooms never failed. The third partner was a former street musician with a turn for acting who played the part of independent expert whenever there were customers around. Among them the trio put about 4,000 forgeries into circulation. The legal proceedings against Millet and Cazeau begun in 1930 dragged on, in the continental manner, for five years, although the defendants admitted everything, their attitude being that wealthy purchasers who knew nothing about art and only bought on price and reputation were fair game. *Caveat emptor*. What customers like that got was quite good enough for them. The article did not mention one of my own favourite passages in the evidence when an eccentric expert pointed out that all painters have their better and their worse days, but the forger must always be at the very top of his form: he must reproduce the manner of the artist at its very best. Therefore to buy a good forgery is often better than buying a genuine original. The court evidently thought there was something in this, for the defendants were only condemned to six months' imprisonment and a fine of 500 francs each. Cazeau afterwards established a reputation in his own right, enough to be very much annoyed when he caught someone else reproducing his works.

Richard Roe.

THE LAW SOCIETY: ANNUAL CONFERENCE, 1954

THE OPENING SESSION

Members and guests of The Law Society were welcomed by the Mayor of Folkestone (Councillor Commander C. E. Neate) and the President of the Kent Law Society, Mr. J. W. Kennard, at the first plenary session of the Annual Conference at the Leas Cliff, Folkestone, on 21st September.

The Mayor said he had a very pleasant duty to welcome the Society to Folkestone, and it needed no words of his to tell members that it was really a very genuine welcome. "When your President was here last," continued the Mayor, "he graced the Society of Town Clerks' annual banquet, and in the course of an address I remember so well he contrasted the cloistered peace and security of town clerks with the grinding drudgery and uncertainty of the life of a lawyer in private practice. I was prepared last night to receive a large collection of jaded and overworked gentlemen, coming to Folkestone in search of a little fresh air and, as I see outside, sunshine. But from what I have seen so far you are all in good fettle to enjoy anything that comes along."

Mr. Kennard said it was not only his honour and privilege but his good fortune and great pleasure to be able, by virtue of his office, to join with the Mayor on behalf of the Kent Law Society to give members a real Kentish welcome to the Garden of England. "We all admire," he said, "The Law Society, its President and members of the Council for the work they do for the good of us all without fee or reward. I would commend to you, also, the good work of our Secretary, Mr. Lund."

After surveying for the benefit of members and guests some of the history and attractions of Kent, he concluded by paying tribute to the Kent Law Society which had so willingly helped to make the arrangements for the Conference. "To you and your guests I extend a most cordial welcome, with the hope that this Conference will be successful and memorable," he added.

The President and Chairman, Mr. Frederic Hubert Jessop, thanking the Mayor for his welcome, said it was a great pleasure to the members of the Society to find themselves in such a delightful town, of which Councillor Neate was rightly proud.

"I would like to thank you, also, for arranging with the clerk of the weather to provide such a delightful reception for us," continued Mr. Jessop. "You and the Mayoress met us last night informally. I hope you obtained, as a result, a somewhat different slant on the legal profession, if I may use words which you no doubt heard when you were dining with the Press during the week-end. It is a particular pleasure for us in law to receive a greeting from a member of the Senior Service, for are we not, in our different ways, concerned with defending the liberty of the subject?"

The President thanked the Mayor for his courtesy in allowing his town clerk, Mr. N. C. Scragg, to serve on the committee

which arranged the Conference. His assistance in helping to arrange the programme had been invaluable. He said Mr. Kennard was one of them, and knew how much the local law society could do to make the Conference a success. He and the Kent Law Society had certainly done all in their power to see that the Folkestone Conference did succeed.

"It is a very great pleasure to return once again to hold our Annual Conference in Folkestone," said Mr. Jessop, "and to be welcomed by one of the oldest law societies in the Kingdom. It may not be news to you but the Kent Law Society has an unbroken period of service to the profession extending over 134 years. Let me add a 'thank you' for the assistance you have personally given us by serving on our Conference Committee and generally, in many ways, in connection with the arrangements for this gathering.

I am particularly glad to be able to say in conclusion one further word of appreciation of the services of the articled clerks acting as stewards. I cannot help thinking that they will learn some things about the profession here that they will not learn from their text books."

At the opening of his address, the PRESIDENT said, his first words must be to acknowledge the sense of honour he felt at being privileged to address them as President of The Law Society. He looked back over the twenty-one years during which he had been a member of the Council of the Society and, long before that, to the many eminent members of their profession who had occupied the chair before him, and by their great abilities had done so much to advance the interests and the prestige of their great profession.

"I do not mind admitting," he continued, "that to address a body such as that now assembled in this hall at the very opening of one's term of office as President is an ordeal—no doubt very good for one. I suspect that my predecessors would all admit that their feelings on this subject and at this moment in their respective years were very similar to my own. However, I think that the tradition whereby Presidents of The Law Society address the members and their guests at this opening plenary session at the Annual Conference is a good one. It provides an opportunity for the members to get to know the President, and, more important I think, it gives the President an opportunity of meeting many solicitors whom he would probably not otherwise be able to meet and of telling them some of the things which he has in mind and some of the aspirations that he has for the Society and for the profession.

You have all received, I hope, the programme of the Conference and may I say in this connection that I hope that its form and its appearance appeal to you, for it is a product of our own ingenuity. In the programme you will see on p. 4 the list of those ladies and gentlemen who have honoured The Law Society by accepting our invitation to be our guests at this Conference. I should like to say just a few words of introduction about and welcome to each of them, and to add that I hope you will, all of you, not hesitate to introduce yourselves to our guests, should the opportunity occur during the course of the meeting.

Our distinguished speaker, Lord Justice Morris, and his sister, Miss Morris, will not be with us until Wednesday, and I shall, of course, have a few words to say about him when I introduce him to you on Thursday morning in this hall.

We are, indeed, proud to have with us Mr. George Coldstream and Mrs. Coldstream as our guests for a second time. At least we can flatter ourselves that they did not find their last visit to our Conference so dull as to make them decline this second invitation, but this time we are even more delighted, if that were possible, to have them because Mr. Coldstream has so recently assumed his very distinguished and honourable office, in succession to Sir Albert Napier, of Clerk of the Crown and Permanent Secretary to the Lord Chancellor. I am sure it would be your wish that I should on your behalf congratulate Mr. Coldstream on his appointment and say how much we welcome him and his lady here and appreciate that, despite the many additional responsibilities which must have fallen upon them, they should have found time to give us the pleasure of their company at this Conference.

Next, I want to give a very warm welcome to our old friend, that great anglophile from across the channel, Maître Charles Jutelet, Avoué Honoraire of Boulogne. Many of you will have met Maître Jutelet before and will remember how, as secretary of the national body of Avoués of France, he led a very large party of them to London in 1936. You will know how since then he has done all in his power to promote friendly relations between the lawyers of France and us their colleagues in this country and, in particular, remember the leading part he has played in helping to arrange for the three successful Anglo-French conferences which have been held in London and Paris since the war.

Finally, I want to welcome with all the warmth at my command Mr. and Mrs. George Phillips from New Zealand. Mr. Phillips was President of the Wellington District Law Society in 1949. He has been the official representative of the New Zealand Law Society this summer at the Fifth Conference of the Legal Profession held at Monaco under the auspices of the International Bar Association, and those of us who were present at that conference had the great pleasure and privilege of meeting him and working with him there and of getting to know him and Mrs. Phillips. They appear to possess those great characteristics of all New Zealand lawyers whom I have met, boundless enthusiasm, good fellowship and good humour. It is a great privilege for us to have them with us. The Law Society always welcome our colleagues from the Commonwealth and Empire, many of whom I am delighted to say visit the offices in the course of the year, but we have a very special welcome for Mr. and Mrs. Phillips as representatives not only of New Zealand, but of the Wellington District Law Society. It does not need me to remind you of the wonderfully generous action of that Society during the lean years of severe rationing in sending year by year literally hundreds of food parcels to this country for distribution amongst members of The Law Society. There may be those among you to-day who received such parcels from Wellington. We publicly expressed our thanks to the Wellington District Law Society at our annual general meetings and we wrote from The Law Society thanking our New Zealand colleagues repeatedly for the cases of food parcels which they sent us. I should like Mr. Phillips to convey back to the Wellington District Law Society once again how deep is our appreciation of the sentiment which inspired those most generous gifts.

COMMONWEALTH CONFERENCE

Our links with the lawyers of the Commonwealth will be strengthened I trust as a result of our activities during the current year, for next July, very shortly after I have laid down my office, we are to hold for the first time in history a Commonwealth and Empire Legal Conference in London. The Law Society originated the idea and with the whole-hearted co-operation of the Bar Council communicated with the Dominion Law Societies and Bar Associations to see whether it would appeal to them. The suggestion found instant approval and an Executive Committee consisting of two representatives from Australia, Canada, Ceylon, New Zealand and South Africa respectively, as well as four from the United Kingdom, are responsible for the organisation of the working programme of that conference. So, from 20th July to 27th July next, we hope to be able to welcome many lawyers from the Commonwealth and Colonies. I hope that members up and down the country will be prepared to offer private hospitality to our visitors, who appreciate most of all that kind of entertainment. Later on members will be invited through the medium of the *Gazette* to let the Secretary know what they are able to do in this direction. Sir Leonard Holmes and Mr. Richard O'Sullivan, Q.C., are the English representatives on the Executive Committee and Mr. Milligan, Q.C., and Mr. John Watson are the Scottish representatives. We have set up a joint committee with the Bar Council, upon

which representatives of Scotland have agreed to serve, to organise an interesting social programme, and I understand there is under consideration the possibility of special visits being made not only to places of interest throughout England and Wales, but also to Scotland. I am particularly glad that we have with us at this Conference (I may add as members of The Law Society) Mr. Laurie, the Secretary of the Law Society of Scotland, and Mr. Patrick of Glasgow, who is President of the Law Agents Society.

One of the interesting developments of these post-war years has been the tightening of the links between us in England and our colleagues in Scotland brought about in the first instance by the common problem with which the two countries are faced in administering our respective Legal Aid Schemes, and now to be made even closer by the proposal, which the Council have just adopted, of the Law Society of Scotland that we should set up a Joint Standing Committee with them to examine problems of common interest and concern to the Law Societies of both countries.

New Constitution

This year The Law Society itself will break new ground. The Council has been increased from fifty members to sixty-five as a result of the powers contained in our new Supplemental Charter granted by Her Majesty in the Spring of this year, thereby implementing the main recommendation of the Society's Constitution Committee.

As a result of the increased provincial representation upon the Council, it is to be hoped that even greater interest will be taken in the work of the Society by provincial practitioners. Certainly the increase will enable the Council itself to have the benefit of even more representative views from the provinces upon the many and important matters with which they will have to deal. One result which I hope will follow is that those country solicitors who for one reason or another have hitherto been unwilling to become members of The Law Society may now feel that not only is it their duty to join their professional organisation, but that no longer can they afford to neglect to take advantage of the help and assistance which is constantly given by the Society to its members in the many problems with which the practising solicitor in these days is faced. It remains our ambition to obtain by voluntary means as nearly as possible 100 per cent. membership of The Law Society, so that we may truly speak with a united voice on behalf of the whole profession. There are yet, I am afraid, in various parts of the country, solicitors practising in partnership where only one member of the firm is a member of the Society. By doing this, it is true, the firm saves the small amount of the annual subscriptions of the partners who do not belong to the Society, but all the partners of the firm in fact obtain the benefits of membership upon the payment of one single subscription. I do not believe it is worthy of a profession which prides itself on its integrity and its honesty that this should be done, and I hope that this view will on reflection be accepted by those partnerships where this situation obtains, and that the partners collectively will come to the conclusion that it is the duty of all partners to support The Law Society at least by their subscriptions, if not also by their active contributions to the business which it undertakes.

Our new charter also enables the Society to elect distinguished and eminent persons as honorary members of the Council. We would like to think that honorary membership of the Council will be regarded as the highest honour which our branch of the legal profession can confer in exchange for the honour which such a distinguished person will confer upon us by accepting such honorary membership. Elections to honorary membership will, no doubt, be few and far between. We shall, however, have to consider what will be a fitting ceremony to mark so important an occasion—itself a completely new development in the life of the Society.

The charter in addition empowers us to elect as honorary members of the Society (not of the Council) solicitors, attorneys or other duly qualified legal agents, whether in the British Commonwealth or not (not being barristers living in England). Such honorary members may be elected for such period as the Council may decide. This power of election to honorary membership will enable us to make available from time to time and as space permits, such facilities as The Law Society's Hall provides to visiting lawyers from overseas during their stay in England.

Finally, on this subject of the charter, I want to remind you that it enables us to have yet another class of member, namely associate members, who will be clerks actually serving under articles with solicitors practising in England and Wales. We shall this year have to consider what facilities we can provide for our associate members and upon what terms. We on the Council have attached great importance to this reform, as did the Society's Constitution Committee, because by it we hope that we can interest the future solicitor in his profession; we can help him to meet and make friends with his fellow students and future colleagues; and we can thereby create a spirit of good fellowship and cameraderie amongst our successors while they are still on the threshold of their legal careers. The subscription will be but trifling, and I would suggest that every principal should deem it part of his duty to his articled clerk to pay his subscription to The Law Society during the period of his articles.

Education of Articled Clerks

And now I want to express a few personal views, which are not necessarily shared by my colleagues on the Council.

Like all other great professions we solicitors must concern ourselves very closely with the education and training of the future generation of solicitors. They must be taught the theory of the law, and its practice as we know it in our offices throughout the country—and those ethical principles by which we solicitors must all be guided in our dealings with courts, the Bar, each other, our clients and the public at large.

One of the principal functions which the Society is called upon to perform is undoubtedly that of providing proper facilities for the legal education of articled clerks.

So far as London is concerned we are, I am convinced, fully discharging our duty in this respect. We have at Lancaster Gate an admirable and flourishing School of Law, the principal of which I am glad to say is here at this Conference. It provides excellent courses of instruction in law for the intending solicitor. The principal and, as far as possible, the lecturers are solicitors; the courses of instruction are specially designed to give the student a good grounding in the theory of the law and at the same time to enable him to pass his professional examinations and become a useful practitioner. The best method of judging the efficiency of a law school is by its results, and a comparison of the results obtained by those who have attended the London Law School with those who have not affords convincing proof of its efficiency.

I have, however, long held the view that the facilities for legal education of provincial articled clerks are most unsatisfactory. The present system is wasteful of time and wasteful of money, and in great measure it fails to accomplish the end we have in view, which is to provide our articled clerks with courses of instruction during their compulsory year which will enable them to pass their professional examinations without the necessity for any additional law training. Moreover it has never been popular either with the provincial articled clerk or the provincial solicitor. It is, as you know, operated to a great extent in conjunction with the universities and the university colleges. The function of a university is to provide an academic education in the law; the function in this connection of The Law Society is to provide a vocational training—an entirely different objective requiring as I believe an entirely different approach.

Until recently the compulsory attendance of an articled clerk at a law school was seventy-two hours; now it is

140 hours. I have always wondered how much law an articled clerk could be expected to acquire in seventy-two hours and even in 140 hours he can surely learn very little. Many articled clerks and their principals also regard the compulsory attendance at the provincial law schools as so much time wasted and, having completed their statutory attendances at one or other of the provincial law schools, these articled clerks are obliged to seek the aid of one or other of the law coaches in order to acquire enough knowledge to enable them to pass their professional examinations. This cannot be right.

Many articled clerks in the provinces have to travel considerable distances to attend their nearest law school and it is no uncommon thing for the time occupied in travelling to exceed and in many cases greatly to exceed the time spent in the lecture room.

At some provincial law schools the number of articled clerks taking the statutory course is so small that it is not possible to organise a special class for their benefit or to teach them from the prescribed books. These young people have often to undertake the journey to the law school on two or more days a week and their practical work in the office is consequently seriously and, perhaps one may say, almost uselessly interrupted.

I should like to see a Provincial Law School on the lines of the London school established at some place in central England, and all articled clerks, whether London or provincial, obliged to attend there or at the London school to receive—as one does at the London school alone at present—a comprehensive course of instruction given to future solicitors by solicitors so far as possible. Such a new school should provide residential accommodation and the articled clerks should be obliged to go into residence for the period of their stay. This would eliminate all the time now wasted in travelling and would enable articled clerks to mix with their fellows, afford them the advantages of a communal life and give them a knowledge of men, which is just as much a part of a solicitor's stock-in-trade as a knowledge of law.

At the present time our grants to the provincial law schools amount to some £12,000 a year. A country mansion could be obtained for a mere song—they are now a drug in the market. This would provide not only scholastic buildings, but, for a time at least, residential accommodation as well, and the cost of running such a school would probably be little, if any, more than the sum we are now expending in grants. The results should by far surpass those which are now being obtained under the present unsatisfactory system.

To provide any capital sum required to acquire and equip premises for such a school an application might be made to the court to allow us to use a portion of the capital of the New Inn and Clifford's Inn funds, the interest upon which we are now receiving for purposes of legal education.

Every time a clerk enters into articles of clerkship his principal covenants to teach and instruct the clerk or cause him to be taught and instructed in the practice and profession of a solicitor. Some solicitors are most meticulous in their observance of that covenant; indeed, I know of one firm which makes it a practice to set the articled clerks an examination paper once a month in addition to giving each of them detailed practical training in the work of the profession.

I am afraid, however, that there are other solicitors who think that they have performed their covenant by allowing their articled clerks the necessary time away from the office to attend a law school, and yet others who accept an articled clerk at little or no premium and look upon him as an unpaid member of the staff, allowing him to spend his time performing the duties of a cashier, shorthand typist, telephone operator or junior clerk, without making any further attempt to comply with the covenant into which they have entered. I am reinforced in this view by the replies received by the Solicitors' Articled Clerks Society in response to the questionnaire recently circulated on the subject to their members, who are drawn from all parts of the country.

An academic knowledge of the law is essential to a solicitor, and this the clerk should obtain at his law school, but there is also the practical training in the work of the profession, without which a solicitor, however great may be his knowledge of the law, cannot be a competent practitioner.

I think it behoves us all to realise that this covenant is not an empty formality—and that it is our duty to the best of our skill, knowledge and ability to teach and instruct our articled clerks in the practical part of our professional work, so that when they are admitted they may be competent and able practitioners. Many years ago I knew an articled clerk who sued his principal for a breach of this covenant and obtained damages! If a solicitor properly carries out his duties to his articled clerks by giving them a good, sound, practical training in the work required to be done in a solicitor's office, then like all other labourers he is worthy of his hire and well entitled to receive a proper premium for his services.

But even where solicitors have had the benefit of a good law school education and practical office training given by a conscientious principal, very few, immediately after their admission to the Roll, possess really sufficient experience to practise single-handed, without being a danger to themselves or failing to give the efficient service which the public have a right to expect from a lawyer. The high standard which quite rightly an articled clerk is required to reach before he is certified as having passed the Society's examinations causes him to devote a considerable part of his available time under articles to the study of academic law and, consequently, he is left with all too little time to spend upon his practical office training. Probably the length of service under articles ought ideally to be lengthened, but one has to realise that in these present days most people have to earn their own living and need to earn it at a fairly early date. One therefore must hold a fair balance between the ideal and the practical. The newly admitted solicitor has still normally a great deal to learn and the only sensible way in which he can complete his professional education in this respect is to acquire the necessary practical experience to enable him to become a competent practitioner by spending several years as an employed solicitor or as a junior partner under the general supervision of a more experienced practitioner. I believe, indeed, for the most part, nearly all solicitors accept assistant solicitorships before entering into partnerships or setting up their plate on their own. In my view, it is most desirable that the newly admitted solicitor should not practise on his own account single-handed. He ought only to practise in partnership with an older and more experienced practitioner or as an assistant solicitor. After all, solicitors are not qualified to become commissioners for oaths until they have been in practice for six years, or, without special permission, to take an articled clerk within five years of admission, but as the law now stands they can put up their plates and practise alone from the day after their admission. It is my belief that it would increase the proficiency of the profession and act as a safeguard to the public if solicitors were not allowed to practise alone until, say, six years after admission, except, as I have said, in partnership or as an assistant solicitor.

And now I want to express a few personal views on the subject of the fully experienced solicitor in general practice.

Practising in Partnership

The volume and complexity of the law is increasing every year. Fifty years ago the yearly statutes were contained in a modest volume of 103 pages; in 1948 they occupied two substantial volumes and over 2,000 pages. Every year adds five or six bulky volumes to our already bulging library of law reports and the enormous output of statutory instruments continues unabated. It is beyond the scope of human intelligence to read, mark, learn and inwardly digest this

ever-increasing mass of new law in the meagre leisure time available to a busy practitioner—and yet if a solicitor fails to do so he runs the risk of being involved in an action for damages for negligence. This leads me to wonder whether in these days the single-handed practitioner is able to give an efficient service to the public.

As long ago as 1942 the Medical Planning Committee expressed the view that doctors by combining in co-operative groups could afford facilities for good work and could reinforce each other's competence in ways beyond their reach single-handed.

I would suggest that this is true of solicitors also, and that a partnership consisting of two or more partners, each specialising in some particular branch or branches of the law and practice, should be far more efficient than a solicitor practising alone.

We may all of us regret the passing of those leisurely times when the lawyer had a chance peacefully to read and absorb the changes in legislation and to study each new piece of work as it came into his office in the light of his newly acquired knowledge of such changes in the law. The fact remains, however, that those days have gone for ever and, while we may regret the passing of the one-man firm, able and willing to advise on the whole field of law at any time, we cannot close our eyes to the fact that this is undoubtedly the day of specialisation, and no single solicitor can possibly be even reasonably competent in every branch of the law, so many and so varied are the subjects upon which our clients call for advice from us in these present times.

I would certainly recommend to the rising generation of solicitors the wisdom of finding one or more partners with whom they can pool their knowledge and from whom they can gain the added strength which is derived from responsibilities shared and from opportunities for discussion of problems, and which a single-handed practitioner does not possess.

Advocacy

Another aspect of our professional life upon which I want to say a few words is that to which my distinguished predecessor, Mr. Crocker, referred in his presidential address last year at the conference at Scarborough. He then, in his inimitable way, directed the attention of the profession to the importance of advocacy and to the desirability of our taking some practical steps to foster the practice of advocacy amongst the rising generation of solicitors.

The Council have long held the view that solicitors as a whole do not take full advantage of their rights of audience before the various courts and tribunals where they have such rights. Lack of experience often compels a solicitor to instruct counsel because, if the solicitor himself appeared, the case would be inadequately presented.

Mr. Crocker's views in this connection received, I believe, the full concurrence of the profession. The only question is by what means advocacy can be most effectively encouraged.

At the meeting of the Professional Business Committee held during the Scarborough Conference, it was suggested that that object could best be achieved by the organisation by the Council of an advocacy competition on a national basis. The Council have given anxious consideration to this proposal. It was clear that the organisation of a competition on a nation-wide basis would present formidable difficulties and a number of unknown factors were involved—namely, the number and geographical situation of the entrants, the support which would be given to any such competition by the rank and file of the profession and the possibility of securing the services of honorary organisers, witnesses, parties, judges and court officials. In view of all this, the Council decided that it would be advisable first of all to institute a regional scheme to test the response which was likely to be obtained. The region selected was the East Midland Constituency. I, myself, as chairman of the committee, and the under-secretary concerned, met the presidents and secretaries of the law societies in that area, when the possibility of organising a successful competition was fully explored. There was, however, no enthusiasm for the scheme and no one was prepared to undertake the duties of honorary organiser, so that the Council were obliged to drop the suggestion of such a competition.

Although the organisation of advocacy competitions has proved, therefore, to be impracticable, I consider the encouragement of advocacy amongst newly admitted solicitors to be so important as to warrant further consideration and a new approach to the problem.

There are many members of the profession who are of opinion that advocacy competitions would not accomplish the end we have in view. Every advocate knows that advocacy cannot be learned from books, but only by experience and practice. There is, however, a technique in advocacy—certain guiding principles—which can be taught and which will give a better start to the young advocate than if he is left to learn his business only by trial and error—learning only from his own mistakes. Technique, it is true, is no good without practice, but with a prior knowledge of technique a young advocate starts already knowing something of what he is setting out to do and, what is even more important, what he should not do, and his efforts are likely to be more intelligent and well-directed than if he had no such knowledge.

The essentials of a successful advocate are, first, an acute intelligence, secondly, a knowledge of the principles of advocacy, and thirdly, the application of those principles in practice. It is possible to learn much from listening to accomplished advocates at work, but without a knowledge of the principles of advocacy a beginner cannot appreciate to the full the work of a master of the art. It is at least worthy of consideration whether it would not be possible for the principles of advocacy to be taught in our law schools, and to find a place in our examination syllabus.

Legal Aid in Criminal Cases

One of the most urgent legal reforms of the present day is the immediate implementation by the Government of s. 21 of the Legal Aid and Advice Act, 1949. That section, as you know, enacts that the Secretary of State shall have regard to the principle of allowing fair and reasonable remuneration according to the work actually and reasonably done when making rules and regulations as to the amounts payable to counsel or solicitors under the three main Acts which entitle poor prisoners to legal aid in criminal cases.

The inadequacy of the scale of fees then in existence was recognised by the Rushcliffe Committee in 1945; in 1949 the Government stated that 'it was no longer fitting that the burden of acting for poor persons should be borne by one section of the community,' namely, the legal profession, and in the committee stage of the Legal Aid and Advice Bill, the then Attorney-General stated that the present fees payable to solicitor and counsel in criminal cases when acting for poor prisoners are 'completely inadequate and their continued existence has been a very grave criticism of the facilities which have so far been provided for legal assistance to poor persons.'

In April, 1952, The Law Society and the Bar Council submitted a joint memorandum to the Home Secretary, urging the immediate implementation of s. 21. In July of that year a joint deputation from The Law Society and the Bar Council saw the Home Secretary in an endeavour to impress upon him the need for immediate action. The Home Secretary then admitted that a very strong case had been made out for bringing s. 21 into force.

In February, 1953, the Bar Council sent to the Home Secretary a strongly-worded resolution pointing out the injustices of the system of remuneration then in force, so far as counsel were concerned, and the very real danger of an entire breakdown of this important public service, and in the same month the then President of The Law Society wrote to the Home Secretary to the same effect, and pointed

out that the hardship to solicitors was even greater than the hardship suffered by counsel, in view of our heavy overhead expenses.

In September, 1953, the Home Secretary made new rules the short effect of which was that as an interim measure the maximum fees payable to solicitors and counsel under the former rules were increased by 50 per cent., and a provision for payment where a trial at Quarter Sessions or Assizes lasts more than two full days of a daily fee after the second day to the counsel and solicitor engaged.

It is understood that these maximum fees are not being allowed as a matter of course in London and in certain parts of the provinces.

All solicitors who practise in the criminal courts are unanimous in the opinion that even if these increased fees are allowed as a matter of course, which at present they are not, they are grossly inadequate both as regards solicitors and counsel. They fail to secure anything like the reasonable remuneration for which s. 21 was to make provision and in many cases result in actual loss both to solicitors and counsel.

In these days of ever-increasing overhead expenses and vicious taxation solicitors cannot any longer be expected to conduct the defence of poor prisoners on a charitable basis. The legal defence of poor prisoners is a necessary social service, and like all other social services should be paid for out of the coffers of the State and not out of the pockets of one section of the public only—namely, the legal profession.

Due provision has been made for legal assistance for the poor in civil litigation in the Supreme Court. The liberty of the subject, however, is of greater importance than the rights of property, the recovery of damages for civil wrongs and the dissolution of unhappy marriages. Solicitors who undertake business in the criminal courts are growing restive under the injustice of the present system, and unless the Government is prepared to implement—and to implement at once—s. 21 of the Act, they may well find that both branches of the legal profession will decline to volunteer to serve on the panels of those undertaking this work and the system will break down altogether.

The reason assigned by the Government for the delay in implementing the section was the economic situation of the country. Justice can never be too dearly bought, particularly where the liberty of the subject is at stake. Where the defence is over-matched, both in advocacy and in the means of obtaining evidence, justice cannot be done and the poor in consequence must suffer from a sense of grievance.

Conveyancing Costs

And now let me say a few words about our conveyancers, who, strangely enough, seem to have been coming under fire lately.

During the past few months there has been more than the usual number of letters and articles in the popular Press on the subject of solicitors' charges for house purchase. I make no complaint about that—the public is entitled to expect value for money and to be satisfied that legal charges for house purchase are not unduly high; some of the Press articles indeed have been objectively written and are an honest attempt to analyse what a solicitor has to do for his money.

Nor is it surprising that public interest in this subject has been livelier of late; it is a by-product of the 'tripartite arrangement' concluded earlier this year between the Exchequer, the local authority associations and the Building Societies Association whereby purchasers of moderately priced dwelling-houses can now obtain advances of 90 per cent., or even in some cases as much as 95 per cent., of the value placed on the house by the building society's valuer. This scheme, designed to bring house purchase within the reach of persons with very little capital, has thrown into relief the amount of stamp duty and legal charges which the purchaser has to find in cash because those charges consequently form a higher proportion of the amount which he must pay in ready money. Unfortunately, however, one or two newspapers publish from time to time what I can only describe as irresponsible articles, the writers of which have clearly made no serious attempt to ascertain the true facts.

You and I know only too well (and Mr. Lund has recently written to the editors of several newspapers pointing it out) that solicitors' charges for house purchase are only about 2 per cent. of the purchase price, that they are lower than estate agents' charges, that they are fixed by a Statutory Committee under the chairmanship of the Lord Chancellor and approved by Parliament, and that on the average 70 per cent. of what a solicitor receives has to be spent on the overhead expenses of running his office.

When it is suggested (and the suggestion appears from time to time in the Press) that house property should be transferred like stocks and shares or motor-cars, we may smile a little at the naivete of such a suggestion because we know the impossibility of dealing with house property in this way. As we keep telling the Press, it is subject to all manner of restrictions on its use and to rights over it vested in other persons. A purchaser's solicitor must not merely satisfy himself that the seller's title is good; he must ensure that his client can use the property for the purpose for which he requires it and that it is not subject to onerous disabilities. Motor-cars, for example, do not have to comply with planning requirements or be pulled to pieces if they do not. They are not subject to rights of way or of light or of support or to the Rent Restrictions Acts, or to compliance with sanitary notices—to mention but a few of the 'snags' encountered in house purchase. When a man buys a car he does not have to find out for his protection whether there is any likelihood of the local authority or any other public body compulsorily acquiring it at below market value for town planning, road widening or other purposes. He does not have to search in the Land Registry and the local land charges registers to make sure that no one else has any vested rights in the car, nor does he have to submit at least twenty-two questions to his borough council and eighteen to his county council for the same purpose.

I understand that at a certain local political party meeting in the Midlands it was recently suggested that there should be legislation enabling local authority employees to deal with the whole of the conveyancing work of those moderately priced dwelling-houses, even on behalf of the purchasers, and that they have asked that the matter should be on the agenda for the national party conference. I wonder what ratepayers throughout the country would think about this proposal if they realised the work that would be entailed. Would they cheerfully submit to an increase in the rates in order to provide purchasers with a cheap or perhaps even a free conveyancing service? It makes one wonder whether it will next be suggested that local authorities should employ bricklayers and carpenters at less than union rates so that houses may be sold to the public at lower cost.

As I have said earlier, I am not unappreciative of the fact that a purchaser may find it difficult to pay the stamp duty and legal charges in cash at the same time as the balance of the purchase money over and above the mortgage advance. The remedy, however, need not, indeed should not, lie in lowering solicitors' charges to an uneconomic level or in setting up local conveyancing services run by the local authorities. What is required is an arrangement which would enable sums paid for solicitors' charges and stamp duty to be added to the amount of the mortgage and thus be payable by the purchaser over a period of years. It is possible that the insurance world might be prepared to insure building societies against the risk of loss if they were to advance a sum to cover stamp duty and solicitors' charges over and above the full normal mortgage advance. The Council are in touch with the Building Societies Association over this point and are sounding the insurance companies.

These are my general observations. I realise that Rome was not built in a day and I do not expect to see the reforms I have advocated carried out in my year of office, but I hope that they will provide food for thought.

The Year Ahead

I look forward to the following year being one of steady progress and consolidation by our new and enlarged Council. But we must always be prepared to undertake further duties should The Law Society or the profession be called upon to extend their services to the public. I have it in mind that there is the possibility, for example, that the Government may decide to implement the recommendations of the Lord Chancellor's Advisory Committee on Legal Aid and extend that scheme in some direction or another—possibly by introducing legal advice or by extending legal aid to the county courts or the magistrates' courts in non-criminal business.

There is also the possibility of the county court jurisdiction itself being extended as the Evershed Committee recommended. If so we shall undoubtedly have to confer with the Lord Chancellor's office upon new scales of remuneration in the county court, as we have had an assurance from the Lord Chancellor that this would be done before any such extension takes place.

We know that we shall on the 1st October be faced with the more robust summons for directions in the High Court on the lines of the Evershed Committee's recommendations, and the Council will have to consider what evidence we shall give in the inquiry into the working of the Department of the Public Trustee.

Finally, I very much hope that my term of office will see a satisfactory conclusion of our differences with the Bar on the subject of barristers doing practical conveyancing without the intervention of a solicitor. In view of the stage which our negotiations have reached I do not think it is wise for me to say more on this subject at present.

And so I come to my end. I believe that the watchword of our profession this year and in the future should be efficiency. Efficiency in the training of the future solicitors; efficiency in the post-admission training of the young solicitor; and efficiency in conducting our own practices. If we attain and maintain this efficiency we shall indeed be the learned profession we pride ourselves on being; we need fear no competition from others and we shall obtain the respect from the public which is our due."

WEDNESDAY, 22ND SEPTEMBER

A new departure at the Conference was a session at the Leas Cliff Hall, on 22nd September, devoted to the discussion by members of the work of the Council. This discussion was, however, held *in camera*.

THURSDAY, 23RD SEPTEMBER

At the final plenary session on 23rd September, following the Rt. Hon. Lord Justice MORRIS's address on "The Rich Heritage of the Law," which the PRESIDENT described as "the climax of our Conference in Folkestone" and of which a full account will appear exclusively in the *Law Society's Gazette*, votes of thanks to the Mayor and Mayoress of Folkestone, to the Corporation of Folkestone, to the Kent Law Society and to the organisers and promoters of the sports events were proposed and carried. Votes of thanks were then moved to Lord Justice Morris by the Secretary, Mr. T. G. LUND, C.B.E., and to the President and Council, by Mr. T. W. HARLEY, M.B.E., M.C., President of the Incorporated Law Society of Liverpool, and Mr. R. M. GREENHALGH, President of Manchester Law Society. Replying, the PRESIDENT disclosed that next year's Conference will be held at Llandudno.

CORRESPONDENCE

[*The views expressed by our correspondents are not necessarily those of* THE SOLICITORS' JOURNAL]

Is Gilbert Harding Right?

Sir,—The issue which is posed by solicitors' charges is both simpler and deeper than your contributor P.A.J. seems to think.

It is related to the fees charged by any body of persons who take the trouble to acquire a special skill.

Such persons are not paid for the efforts involved in individual operations in which that skill is exercised; they are paid for the trouble and expenditure to which they have been put in acquiring that skill.

A first class pianist has no difficulty whatever in playing in front of an audience a piece which he has played hundreds of times before. Nevertheless his charge for the night's entertainment may run well into three figures and no one begrudges him this provided he does it well.

Similarly a competent solicitor has no difficulty in examining an ordinary title. The difficulty arises when the amateur attempts to do it.

If therefore the special professional skill of the solicitor is not to be remunerated, there is no point in acquiring or using it. We will leave it to the amateurs and see what a mess they make of it.

We are already reaching this position in respect of registered titles. The whole theory of registered titles was supposed to enable people to transfer land without the intervention of solicitors at all.

The effect of course, as is well known, is that registered title can be more difficult than unregistered conveyancing and those who submit themselves to a Government office instead of a private solicitor soon find that the Government official has no incentive to avoid delays and consequent difficulty.

Already the work involved in conveyancing has not diminished but increased, particularly in sales of building plots as your correspondents point out. The difficulty is that the scale fee is drawn too wide. It should be increased and it should then, and only then, cover all the preliminary items which are at present dealt with by solicitors free of charge, such as seeing that the plans are passed and building licences obtained on the one hand, and dealing with the instalments where mortgages are paid by instalments on the other hand.

One consequence of the practical reduction of fees obtained by the widespread registration of title has apparently been overlooked by the profession and particularly by The Law Society. Solicitors' fees on registered conveyancing are approximately three-fifths of those on unregistered conveyancing. Conveyancing however is the main source of income of the profession. If therefore conveyancing fees are to fall by two-fifths, either the profession must accept a sharp drop in its average income, which no profession has yet willingly accepted, or else the number of solicitors practising must be reduced by two-fifths. A similar result follows automatically from Mr. Gilbert Harding's suggestion.

I think the issue can be put quite simply. Either Mr. Gilbert Harding employs professional skill and pays for it, or else he must be prepared to put up with unskilled work by quacks at a price which will suit his pocket. In writing to you, sir, I do not think that I need draw attention to the drawbacks of the latter suggestion.

WALTER P. W. ELWELL.

Herne Bay, Kent.

Sir,—I think the only persons competent to speak on conveyancing charges are those solicitors who are actually engaged in day-to-day practical conveyancing and who are themselves principals in their firms. I agree with your correspondent, Mr. Hemming, if clients would refrain from writing, telephoning or calling unless requested to do so and were able to finance a purchase without having first to sell their own property and give possession, matters would be easier.

As things are, I think I would rather play a parlour game for half an hour at Mr. Harding's fee than undertake conveyancing matters for the same fee.

J. C. WILLIAMS.

Ilford, Essex.

TALKING "SHOP"

OLD CRUSTY RUMBOLD'S LETTERS TO HIS SON—VIII

My dear Richard,

This being the last of the letters that I am minded to write to you about our profession—at least for the present—just naturally I have been searching for a topic that may be of some interest to you, even if my comments upon it are prosaic. You will be familiar with that type of question—so popular, it seems, with the radio-inquisitive public—which improbably predicates of a castaway that he may choose one good book or a gilded film star to beguile the leisure hours of his desert island existence. The difficulty with such a question is not in deciding what (or whom) to select, but what (or whom) to reject; and that is my difficulty here.

You will groan when I cite Chaucer again, but nothing will serve in this context except the Wife of Bath's Tale. Do you remember the predicament of the knight at the court of King Arthur? The queen and her ladies prevailed upon the king to grant the knight his life upon condition that within a year and a day he should pronounce "what thing it is that women most desiren." And "the condition of the bond was such"—if I may adopt the language of the Probate Registry—that to keep his "necke-bone from iron," he had to answer that question correctly; it is a situation with which solicitors are thoroughly familiar, and I have always had a fellow-feeling for him.

I need hardly remind you that the unfortunate knight went around asking advice from his friends, who advised him fully and variously after the manner of learned counsel:—

> Some saiden women loven best richess
> Some saiden honour, some saiden jolliness
> Some rich array, some saiden [*Not this.*—ED.]
> And oft time to be widow and to be wed.
> Some saiden that we be in heart most eased
> When that we be y-flatter'd and y-praised . . .
> And some men saiden that we loven best
> For to be free, and do right as us lest
> And that no man reprove us of our vice,
> But say that we be wise, and nothing nice . . .
> And some saiden that great delight have we
> For to be holden stable and eke secre,
> And in our purpose steadfastly to dwell
> And not bewrayen thing that men us tell.

No wonder the poor man was bewildered, but in the end, as you will remember, he learnt, at a stiff price, and returned the right answer: that "women desiren to have sovereignty." And he was very properly acquitted by the court—a court composed with scrupulous fairness to include wives, maids and widows, and let us hope a feme sole or two, plainly at least no mere jury of matrons.

I mention these matters in passing, first, because I dearly love an allegory, and, secondly, because I have been considering a question of comparable toughness. And the question is, which amongst all the virtues is the sovereign virtue of a solicitor? I will not confuse you by suggesting that it is the one virtue above all others that he should take with him to a desert island, for, when you come to think of it, opportunities for legal practice there would be limited. So, shall we say, the least dispensable virtue?

Well, I have not spent a year and a day exclusively upon this problem, nor enjoyed the doubtful advantage of the knight's capital condition subsequent—a condition that, according to Dr. Johnson, may be depended upon to concentrate the mind wonderfully. But I have ruminated upon it and I give you my answer: in a word, it is integrity.

By "integrity" I do not mean to refer to commercial honesty and probity, which I will take for granted, though I am well aware that probity is often employed as a synonym for integrity and properly so in some contexts. I use the term in its elemental sense of essential wholeness or soundness—an idea expressed by Polonius in his prolix advice to Laertes:—

> This above all: to thine own self be true,
> And it must follow, as the night the day
> Thou canst not then be false to any man.

Polonius, by the way, is so often played as though he were first cousin to Widow Twankey—and Hamlet poked so much fun at him, not all in the best of taste—that it is easy to shrug off his advice as worthless and prosy: I doubt if in fact it has ever been excelled.

Why do I rate integrity so highly? Because it is the alpha and the omega of a solicitor's existence. Its basis is an objective attitude or judicious detachment of mind which by no means precludes a sympathetic interest in people or their problems. How easy it sounds! Be warned that the price of it—as of other freedoms—is constant vigilance. Clients will praise you—at least, *pro tem.*—if you advise them according to their hearts' desire: advise them as you deem right, and in this your own conscience may be properly consulted. Be open with other solicitors and do not play hide-and-seek with the tax-gatherers and other Government departments; candour is not only agreeable and right but, like honesty, it is the best policy. If a mistake be made, however disastrous or foolish, acknowledge it at once with an apology and an offer of amends, though you need not push it to extremes, for *de minimis non curat lex.* And finally—this, perhaps, is at the root of all else—form your own considered judgment of every problem, and having formed it, learn to rely upon it, for others will have to do so too. If you have formed it by an honest—and, shall we say, "integral"—process of reasoning, then however mistaken it may prove to be, it will not sit too heavily upon your conscience. And, perhaps—who knows?—you may occasionally be right; I'm sure you will be.

Your affectionate father,

Crust Rumbold.

"ESCROW"

The Lord Chancellor has appointed the Hon. A. J. P. F. ACLAND-HOOD to be Assistant Judge Advocate General with effect from 21st September, and Mr. G. H. L. RHODES to be a Deputy Judge Advocate with effect from 12th October.

Mr. FREDERICK GEORGE BISHOP, assistant town clerk of Ramsgate since 1951, has been appointed town clerk of Bridport, and will take over his duties on 1st November.

Mr. CHARLES NOEL SIDNEY NICHOLSON, assistant solicitor to Bristol Corporation, has been appointed deputy town clerk of Darlington in succession to Mr. LAWRENCE JOSEPH HARTLEY, who has become deputy town clerk of West Hartlepool.

Mr. ROSS WOODLEY, assistant solicitor to the Board of Trade since 1947, has been appointed Counsellor to the International Copyright Union at Berne.

BOOKS RECEIVED

Smuggler's Circuit. By DENYS ROBERTS. 1954. pp. v and 218. London: Methuen & Co., Ltd. 10s. 6d. net.

Housing Repairs and Rents. A Guide for Agents and Others to the Act of 1954. By PETER ASH, M.A., of the Inner Temple, Barrister-at-Law. 1954. pp. (with Index) 84. London: The Incorporated Society of Auctioneers and Landed Property Agents. Price to non-members, 3s.

Arbitration Bibliography. 1954. pp. (with Index) 92. New York: American Arbitration Association. $2.

The Individualist. By NORMAN TIPTAFT. 1954. pp. (with Index) 327. Birmingham: Norman Tiptaft, Ltd. £1 net.

Deprived Children. A Social and Clinical Study. By HILDA LEWIS, M.D., M.R.C.P. 1954. pp. xvii and (with Index) 163. London: Geoffrey Cumberlege, Oxford University Press. 9s. 6d. net.

Shaw's Guide to the Increase of Rents. By QUENTIN EDWARDS, of the Middle Temple and the South-Eastern Circuit, Barrister-at-Law. 1954. pp. xiii and (with Index) 182. London: Shaw & Sons, Ltd. 10s. 6d. net.

The Residence of Individuals and its Effect on Liability to United Kingdom Income Tax. 1954. pp. 11. London: The Association of Certified and Corporate Accountants. 2s. net.

SURVEY OF THE WEEK

STATUTORY INSTRUMENTS

Burnham and District Water Order, 1954. (S.I. 1954 No. 1215.) 5d.
Coal Industry Nationalisation (Legal Proceedings) Regulations, 1954. (S.I. 1954 No. 1198.)
In relation to the valuation district of Scotland, the date before which (under s. 16 (4) of the Coal Industry Nationalisation Act, 1946) certain legal proceedings must be commenced is fixed by these regulations as 18th October, 1954.
Goole Water Order, 1954. (S.I. 1954 No. 1222.)
Halifax and Morley Water Order, 1954. (S.I. 1954 No. 1201.)
High Wycombe Water Order, 1954. (S.I. 1954 No. 1221.)
Justices' Allowances Regulations, 1954. (S.I. 1954 No. 1206.)
Local Government Superannuation (Actuarial Valuations) Regulations, 1954. (S.I. 1954 No. 1224.) 11d.
Local Government Superannuation (Clerks of the Peace and County Council) Regulations, 1954. (S.I. 1954 No. 1226.)
Local Government Superannuation (Limitation on Service) Regulations, 1954. (S.I. 1954 No. 1237.)
Local Government Superannuation (Mental Hospital, etc., Employment) (Amendment) Regulations, 1954. (S.I. 1954 No. 1227.)
Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1954. (S.I. 1954 No. 1211.) 5d.
Local Government Superannuation (Teachers) Regulations, 1954. (S.I. 1954 No. 1229.) 5d.
Local Government Superannuation (Transfer Value) Regulations, 1954. (S.I. 1954 No. 1212.) 8d.
Mid-Essex Water Order, 1954. (S.I. 1954 No. 1223.) 5d.
National Insurance (Modification of Local Government Superannuation Schemes) (Amendment) Regulations, 1954. (S.I. 1954 No. 1207.) 5d.
Newport-Monmouth-Ross-on-Wye-Worcester Trunk Road (Ross By-Pass) Order, 1954. (S.I. 1954 No. 1199.) 5d.
North of Twyning—North of Ross Special Road Scheme, 1954. (S.I. 1954 No. 1203.) 5d.
Petty Sessional Divisions (Monmouthshire) Order, 1954. (S.I. 1954 No. 1217.) 5d.
Probation (Allowances) Rules, 1954. (S.I. 1954 No. 1205.)
Retail Bespoke Tailoring Wages Council (Scotland) Wages Regulation Order, 1954. (S.I. 1954 No. 1202.) 8d.
River Purification Authority (Commencement No. 2) Order, 1954. (S.I. 1954 No. 1216 (C.11) (S.112).)
Stopping up of Highways (Kent) (No. 8) Order, 1954. (S.I. 1954 No. 1209.)
Stopping up of Highways (London) (No. 42) Order, 1954. (S.I. 1954 No. 1208.)
Stopping up of Highways (London) (No. 45) Order, 1954. (S.I. 1954 No. 1213.)
Superannuation (Local Government Staffs) (National Service) (Amendment) Rules, 1954. (S.I. 1954 No. 1228.)
Sutherland County Council (Loch Craisg) Water Order, 1954. (S.I. 1954 No. 1218 (S.113).) 5d.

[Any of the above may be obtained from the Government Sales Department, The Solicitors' Law Stationery Society, Ltd., 102-103 Fetter Lane, E.C.4. The price in each case, unless otherwise stated, is 4d., post free.]

NOTES AND NEWS

Personal Notes

Tribute was paid on 21st September by Mr. J. R. Davis, Chairman of the Long Eaton Magistrates, to Mr. Harry Stanton Rees, who was attending his last court at Long Eaton in the capacity of clerk. Long Eaton now becomes part of the Ilkeston Division.

Mr. Norman McQueen, Registrar of Bradford County Court, retired at the end of September. A presentation was made to him by his staff.

Miscellaneous

LAKE DISTRICT NATIONAL PARK DEVELOPMENT PLAN

The above development plan was, on 22nd September, 1954, submitted to the Minister of Housing and Local Government for approval. The plan relates to land situate within the Counties of Cumberland, Lancashire and Westmorland and comprises the land within the districts set out in column 1 of the schedule hereto. A certified copy of the plan, as submitted for approval, has been deposited for public inspection at the County Hall, Kendal. Certified copies or extracts of the plan so far as it relates to the undermentioned districts have also been deposited for public inspection at the places named in column 2 of the schedule hereto. The copies or extracts of the plan so deposited are available for inspection free of charge by all persons interested at the places mentioned between the hours of 9 a.m. and 5 p.m. on weekdays except Saturday, and 9 a.m. and 12 noon on Saturdays. Any objections or representations that refer to the plan may be sent, in writing, to the Secretary, Ministry of Housing and Local Government, Whitehall, London, S.W.1, before 16th November, 1954, and any such objection or representation should state the grounds on which it is made. The persons making an objection or representation may register their names and addresses with the Lake District Planning Board and will then be entitled to receive notices of the eventual approval of the plan.

SCHEDULE

Column 1	*Column 2*
	The Office of the Clerk of the District Council :—
Rural District of Cockermouth	Holmewood, Cockermouth.
Urban District of Keswick ..	Council Offices, Keswick.
Rural District of Ennerdale ..	Council Chambers, Cleator, Cumberland.
Rural District of Millom ..	Council Offices, Market Square, Millom.
Rural District of Penrith ..	Mansion House, Penrith.
Rural District of Wigton ..	Council Offices, George Street, Wigton.
Rural District of Ulverston ..	Town Hall, Ulverston.
Urban District of Lakes ..	Council Offices, Ambleside.
Urban District of Windermere	Ashleigh, Windermere.
Rural District of North Westmorland	Council Offices, Kirkby Stephen.
Rural District of South Westmorland	Stricklandgate House, Kendal.

COUNTY OF CAMBRIDGE DEVELOPMENT PLAN

On 9th September, 1954, the Minister of Housing and Local Government approved (with modifications) the above development plan. A certified copy of the plan, as approved by the Minister, has been deposited at the offices of the County Planning Officer, County Hall, Hobson Street, Cambridge, and certified extracts of the plan so far as it relates to the Rural District of Newmarket have also been deposited at the offices of the Newmarket Rural District Council, Park Lane, Newmarket. The copies or extracts of the plan so deposited will be open for inspection free of charge by all persons interested between 9.30 a.m. and 1 p.m., and between 2.15 p.m. and 5 p.m., on Mondays to Fridays, and between 9.30 a.m. and 12 noon on Saturdays. The plan became operative as from 17th September, 1954, but if any person aggrieved by the plan desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of the Town and Country Planning Act, 1947, or on the ground that any requirement of the Act or any regulation made thereunder has not been complied with in relation to the approval of the plan, he may, within six weeks from 17th September, 1954, make application to the High Court.

The Lord Chancellor's Department has issued a new eighth edition of the "Index to Parishes, Townships, Hamlets and Places Contained within the Districts of the Several County Courts in England and Wales" (H.M.S.O., 20s.).

THE LAW SOCIETY HONOURS EXAMINATION

At the June, 1954, Examination for Honours of candidates for admission on the Roll of Solicitors of the Supreme Court, the examination committee recommended the following as being entitled to honorary distinction. *First Class and The Clement's Inn Prize (value £40)*: M. B. Conn, LL.B. London. *Second Class* (in alphabetical order): M. A. Ashton, LL.B. London, U. W. Bankes, B.A., B.C.L. Oxon, D. Biart, LL.B. Birmingham, M. B. Boreham, LL.B. London, G. C. Child, LL.B. London, J. C. Cursham, LL.B. Nottingham, B. L. H. Douglas-Mann, B.A. Oxon, J. Drewett, B.A. Oxon, D. N. Edmundson, T. L. Elliott, LL.B. London, D. B. Ensum, R. W. Farr, B.A., LL.B. Cantab., P. P. D. Harper, LL.B. London, D. J. Hill, B.A. Oxon, D. N. Jones, LL.B. London, D. R. C. Longrigg, LL.B. London, G. B. Matthews, B.A. Cantab., P. H. Mellors, M.A., LL.B. Cantab., D. H. Morris, M. Mortimer, LL.B. Durham, J. E. Pearson, D. C. E. Price, LL.B. London, M. W. W. Rajbenbach, LL.B. London, F. E. Robson, A. J. Rylands, LL.B. Leeds, S. M. Samuels, LL.B. London, B. Slater, LL.B. London, C. M. Thorpe, LL.B. Manchester, B. J. Turner, LL.B. Birmingham, P. H. C. Walker, M.A., B.C.L. Oxon, J. A. Wall, B.A. Oxon, I. Whitfield, LL.B. London, A. M. Whittaker, LL.B. Birmingham, D. K. Winsor, LL.B. London. *Third Class* (in alphabetical order): W. Anderson, LL.B. London, J. R. Barrand, J. P. E. Barrett, LL.B. London, R. A. Barrett, B.A. Cantab., D. L. Bowron, LL.B. London, H. A. Brecher, P. F. Campbell, LL.B. London, G. M. Clifford, A. J. Cotton, B.A. Oxon, J. B. Ervin, LL.B. London, D. G. Fuller, B.A., LL.B. Cantab., M. V. Guirr, G. C. Hartley, M. R. Israel, LL.B. London, A. G. Jennings, D. J. C. Macklin, H. J. Maddocks, LL.B. London, M. F. K. Parsons, A. Pendlebury, P. F. P. Higgins, D. Pollard, H. E. Robins, B.A. London, M. C. Stephenson, B.A. Cantab., D. S. Vernon, M. Q. Walters, B.A. Oxon, A. S. Weisbard, LL.B. London.

The Council have given class certificates to the candidates in the Second and Third Classes. Ninety-seven candidates gave notice for examination.

DISTRIBUTION OF SATELLITE PROPERTY CLAIM FORMS NOW AVAILABLE

The Administrators of Roumanian, Hungarian and Bulgarian Property in the United Kingdom announced on 26th July and 6th August that they had received directions from the Treasury for the distribution of the assets of these countries to certain classes of creditors and that forms for making applications for claims in this distribution would be available later. The appropriate forms have now been prescribed by the Board of Trade and have been issued by the administrators to all persons who have applied for them. Any person who wishes to apply to have his claim established in the distribution and has not yet applied for a form should apply for it now to the appropriate administrator at Branch Y, Lacon House, Theobalds Road, London, W.C.1. Intending applicants are reminded that the Administrator of Roumanian Property is precluded from accepting any application form after 31st January, 1955, and the Administrators of Hungarian and Bulgarian Property are precluded from accepting any application form after 28th February, 1955.

OBITUARY

MR. E. W. EVANS

Mr. Evan William Evans, solicitor, of Newport, Mon., died recently, aged 70. Admitted in 1906, he was a former Undersheriff of Monmouthshire.

MR. R. E. GEORGE

Mr. Richard Edward George, solicitor, of Newtown, Montgomeryshire, died on 23rd September, aged 78. He was admitted in 1904.

MR. P. HADDOCK

Mr. Percy Haddock, retired solicitor, of Cheltenham, died recently, aged 80. He was a past President of the Gloucestershire and Wiltshire Law Society. For thirteen years he was clerk to the Cheltenham magistrates, and was formerly a member of the Cheltenham Town Council. He was also Chairman of the Court of Referees under the Unemployment Insurance Act. He was admitted in 1895.

SOCIETIES

At the annual general meeting of THE UNION SOCIETY OF LONDON, held on 23rd June, 1954, the following officers were elected for the ensuing session: president, Mr. U. Davidson; vice-president, Mr. Harold Crane; hon. treasurer, Mr. M. I. Mail; hon. secretary, Mrs. M. M. Greenaway.

Meetings of the Society are held each Wednesday during the legal terms at 8 p.m. in the Common Room, Gray's Inn (entrance by Holborn Gate—Underground Station, Chancery Lane). The first meeting of the 1954–1955 session will be held on Wednesday, 6th October, when the motion for debate will be: "That this House congratulates Mr. Attlee and his colleagues on their visit to China."

Visitors are welcome at all meetings. Further particulars may be obtained from the hon. secretary, Mrs. M. M. Greenaway, 135 London Road, Ewell, Epsom, Surrey (Telephone: Ewell 1330).

Other subjects for debate during October will be as follows: Wednesday, 13th, "That the Civil Service is becoming a tyranny"; Wednesday, 20th, "That Britain is to blame for the failure of E.D.C."; Wednesday, 27th, "That marriage should be made more difficult."

THE MANSFIELD LAW CLUB announce the following programme for Michaelmas Term, 1954: 14th October: "The Road to Justice," by the Rt. Hon. Lord Justice Denning; 28th October: "The English Conflict of Laws," by Mr. Clive M. Schmitthoff, Barrister-at-Law, M.I.Ex.; 11th November: "The Practice relating to Bills of Lading," by Mr. Edward F. Stevens, A.I.C.S., F.C.C.S., M.I.Ex.; 25th November: "The Carriage of Goods by Air," by Mr. Claude Barry, B.A. (Cantab.), Barrister-at-Law; 9th December: A Moot. In the Chair: Master A. S. Diamond, M.A., LL.D. The question is founded on the *Case of the Endowed Widow* by Sir Alan P. Herbert. The meetings are held at 6 p.m. at the City of London College, Moorgate, E.C.2. Tea will be available in the buffet adjoining the Hall for members and their guests from 5.30 p.m. onwards. Visitors are welcome at all meetings.

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Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).